



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Employment Security Department

**Title of rule and other identifying information:** (Describe Subject) Amending WAC 192-110-010, Applying for benefits by interstate claimants, and adopting a new rule WAC 192-110-112, Applying for a combined wage claim.

## NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

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**AND RECEIVED BY** (Date) June 23, 2009

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The U.S. Department of Labor has adopted new regulations concerning the filing of combined wage claims. The department is adopting a new rule incorporating these federal requirements into the Washington Administrative Code. The amendments to WAC 192-110-010 are made for consistency with the new federal regulations.

**Reasons supporting proposal:** The proposed rule, WAC 192-110-012, adopts new federal regulations without material change. The amendments to WAC 192-110-010 are made for consistency with the new federal regulations.

**Statutory authority for adoption:** RCW 50.12.010 and RCW 50.12.040

**Statute being implemented:** RCW 50.20.010

**Is rule necessary because of a:**

Federal Law?



Yes



No

Federal Court Decision?



Yes



No

State Court Decision?



Yes



No

If yes, CITATION:

20 CFR part 616

## CODE REVISER USE ONLY

**DATE** 4/21/09

**NAME (TYPE OR PRINT)**

Paul Trause

**SIGNATURE**

*Paul Trause*

**TITLE**

Deputy Commissioner

AME

WSR

2:28  
09-09-0080

(COMPLETE REVERSE SIDE)

**Name of proponent:** (person or organization) Employment Security Department

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

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Drafting..... Juanita Myers	212 Maple Park, Olympia	(360) 902-9665
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**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

AMENDATORY SECTION (Amending WSR 07-22-055, filed 11/1/07, effective 12/2/07)

**WAC 192-110-010 Applications for benefits by interstate claimants.**

(1) **What is an "interstate claimant"?** An "interstate claimant" is a person who files a claim for one state's unemployment benefits from another state. The state that pays your claim is called the "~~((liable))~~ paying state." For example:

(a) You are an interstate claimant if you live ~~((in Oregon))~~ outside of Washington and file a claim ~~((from Oregon for benefits that will be paid by))~~ against Washington. Washington will be the paying state on your claim.

(b) You are an interstate claimant if you live in Washington and file a claim ~~((in Washington for benefits that will be paid by Oregon))~~ against another state. The other state will be the paying state on your claim.

~~((c) You are NOT an interstate claimant if you live in Oregon but and file your claim for Washington benefits in Washington; this is because your claim was filed in the same state that will be paying your benefits.))~~

(2) **Where can I apply for benefits?** You can apply for benefits from any state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Canada. However, if you served in the military ~~((or earned wages in more than one state))~~ during the past two years, you must physically be in the state of Washington to apply for benefits against Washington.

(3) **How do I apply for benefits?**

(a) Call the unemployment claims telecenter in Washington. If you worked in any state other than Washington within the last two years, an agent will help you decide which state will pay your claim.

(i) If Washington will pay your claim, ~~((we))~~ an agent will take your application for benefits over the telephone;

(ii) If another state will pay your claim, an agent will tell you how to file your claim with that state.

(b) If you worked only in Washington during the previous two years, you may apply for benefits on the internet.

(4) **Who decides if I am eligible for benefits?** Every state has its own laws which control eligibility for benefits. If you file a claim for Washington benefits, your eligibility for benefits will be decided by Washington state law even if you file from another state. If you file for benefits against another state, your eligibility for benefits will be decided under that state's laws.

(5) **When can I apply for benefits?** You can apply for benefits at any time, even if you are working. However, if you already have a valid claim in one state, you must continue with that claim as long as benefits are available before you can establish a new claim against another state. A "valid" claim is one that has not been denied, terminated, or the benefits exhausted (paid out).

(6) **How do I file an appeal?** If you wish to file an appeal about your claim, you must file it directly with the state that is paying your claim ~~((liable state))~~:

(a) If Washington is paying your claim, use one of the filing methods listed in WAC 192-04-060. If mailed, your appeal will be considered filed on the postmarked date.

(b) If another state is paying your claim, ~~((mail))~~ file your appeal directly ~~((to))~~ with that state.

All appeal hearings will be conducted by the ((liable)) state that is paying your claim. The ((liable)) paying state will notify you of the date, time, and telephone number or location of the hearing.

## NEW SECTION

**WAC 192-110-112 Applying for a combined wage claim.** (1) **What is a combined wage claim?** A combined wage claim is a claim based on wages earned in two or more states. For purposes of this section, "state" means the fifty states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

(2) **Where can I file a combined wage claim?** You can file a combined wage claim against any state in which you have base period wages and qualify for benefits based on combining those wages with wages from another state(s). The state against which you file your claim will be the paying state.

(3) **What is the paying state?** The "paying state" is the state against which you file your combined wage claim. You must have base period employment in that state and qualify for unemployment benefits under that state's laws using combined employment and wages.

(4) **Can I file a combined wage claim against Washington?** Yes. To file a combined wage claim against Washington, you must have base period wages in Washington which, combined with your wages from another state(s), establish a valid Washington claim. If you file your claim against Washington, Washington will be the paying state.

(5) **Do I have to reside or physically be in Washington to file a Washington combined wage claim?** No. The state where you are a resident is not relevant in deciding the paying state.

(6) **Who decides which state is the paying state for a combined wage claim?** You are responsible for deciding which state will be the paying state. If you are potentially eligible for a combined wage claim and contact the department, an agent will provide you with:

- (a) General information about the combined wage program;
- (b) Your options for filing a regular or combined wage claim against Washington or another state(s); and
- (c) Contact information for other state(s) in which you worked during your base period.

(7) **Am I required to file a combined wage claim?** No. Filing a combined wage claim is voluntary. You may choose to file a claim using only wages from a single state.